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U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

2024 AUG -1 PM 3:59

VANIA S. ALLEN
CLERK
BY: *Richard Smith*
DEPUTY CLERK

In re:

Vinson Jermaine Fraley Sr.,

Debtor.

Case No. 24-53705-jrs

MOTION FOR RELIEF FROM CHAPTER 7 CONVERSION AND FORMAL OBJECTION TO
CHAPTER 7 PROCEEDINGS

Comes now, the Debtor, Vinson Jermaine Fraley Sr., by special deposit and respectfully moves this Honorable Court for an Order granting relief from the Chapter 7 conversion and formally objects to the Chapter 7 proceedings. In support of this Motion, the Debtor respectfully shows the Court the following:

1. Background:

- On 6/6/27, 2024, the Debtor's Chapter 13 bankruptcy petition was converted to a Chapter 7 bankruptcy petition based on the recommendation of Chapter 13 Trustee Nancy J. Whaley.

- Prior to the conversion, the Debtor specifically directed Trustee Whaley to use his birth certificate and/or social security number to set off against all listed debts.

2. Failure to Comply:

- Trustee Whaley failed to carry out the directive to use the Debtor's birth certificate and/or social security number to set off the listed debts before the conversion to Chapter 7.
- This failure to comply with the Debtor's directive has compromised the integrity of the bankruptcy process and adversely impacted the Debtor's rights.

3. Motion for Relief:

- The Debtor requests that this Court grant relief from the Chapter 7 conversion and reinstate the Chapter 13 petition, or in the alternative, provide other relief deemed appropriate to address the non-compliance with the Debtor's directive.
- The Debtor contends that the failure to apply the set-off as directed should be corrected prior to proceeding further in Chapter 7.

4. Formal Objection:

- The Debtor formally objects to the continuation of Chapter 7 proceedings in this matter, given the failure to comply with the directive to perform the set-off action.

5. Notice:

- The undersigned does not waive any claims or defenses to seek relief with the United States Treasury Internal Revenue Service (IRS) regarding the preparation of Form 1099s for the failure to order Trustee Whaley's compliance to perform the required set-off action immediately.

WHEREFORE, the Debtor, Vinson Jermaine Fraley Sr., prays that this Court grant the Motion for Relief from Chapter 7 Conversion, provide appropriate relief regarding the failure to comply with the set-off directive, and address the Formal Objection to Chapter 7 proceedings as deemed just and proper.

Respectfully submitted,


Vinson Jermaine Fraley, Sr.

3641 Travelers Court

Snellville, Georgia [30039]

vfraley828@gmail.com

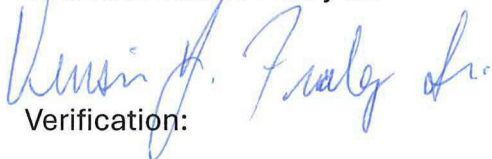
(678) 437-2483

Date: 01st day of August 2024

Certificate of Service:

I hereby certify that a true and correct copy of the foregoing Motion for Relief from Chapter 7 Conversion and Formal Objection to Chapter 7 Proceedings was served upon all parties of record by US mail on this 1 day of August, 2024.

Vinson Jermaine Fraley Sr.


Verification:

I, Vinson Jermaine Fraley Sr., hereby declare under penalty of perjury that the statements made in the foregoing Motion for Relief from Chapter 7 Conversion and Formal Objection to Chapter 7 Proceedings are true and correct to the best of my knowledge, information, and belief.

Vinson Jermaine Fraley Sr.

Date: 01st day of August 2024